AGENDA TITLE: Denial of Verified Claim(s) against the City of Lodi

MEETING DATE: June 15,2005

PREPARED B Y Risk Management

RECOMMENDED ACTION: To approve by motion action, denial of the following verified

Claim filed against the City of Lodi.

(A) The Salvation Army DOL: February 5, 2004

(B) Town & Country Park Assoc. DOL: December 25,2003

BACKGROUND INFORMATION: Following review of verified claims filed against the City of Lodi,

The City's contract administrator, DB Claims and Human Resources

Staff, recommend the City deny the subject claim(s).

FISCAL IMPACT N/A

FUNDING AVAILABLE: None Required

Kirk Evans, Risk Manager

Attachments

cc: City Attorney DB Claims

APPROVED:

Blair Kine, Čity Manager

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CITY COUNCIL

CITY OF LODI

JOHN BECKMAN, Mayor SUSAN HITCHCOCK Mayor Pro Tempore LARRY HANSEN JOANNE MOUNCE BOB JOHNSON

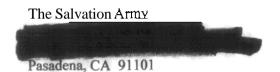
CITY HALL
221 WEST PINE STREET, P.O. BOX 3006
LODI, CALIFORNIA 95241-1910

HUMAN RESOURCES: (209) 333-6704 FAX (209) 333-6816 BLAIR KING
City Manager
SUSAN J. BLACKSTON

City Clerk

STEPHEN SCHWABAUER City Attorney

Notice of Claim Rejection
June 16.2005



RE: Claim against the City of Lodi

Claimant: Salvation Army

Date of Loss: **02/05/04 Our** Claim Number: **98305** 

### Dear Claimant:

Notice is hereby given that the claim you presented to the City of Lodi on May 09,2005 was rejected as of the date of this letter.

#### Notice

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on **your** state law claims. See Government Code §945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

Please also be advised that, pursuant to **5128.7** and **§1038** of the California Code of Civil Procedure, the City will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

X. Black

Sincerely,

Susan Blackston

City Clerk

cc City Attorney
DB Claims
Risk Management
City Clerk

CITY COUNCIL

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City Manager

BLAIR KING

SUSAN J. BLACKSTON City Clerk

STEPHEN SCHWABAUER
City Attorney

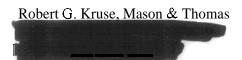
## CITY OF LODI

JOHN BECKMAN, Mayor SUSAN HITCHCOCK Mayor Pro Tempore LARRYHANSEN JOANNE MOUNCE BOB JOHNSON

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221 WEST PINE STREET, P.O. BOX 3006
LODI, CALIFORNIA 95241-1910

HUMAN RESOURCES: (209) 333-6704 FAX (209) 333-6816

Notice of Claim Rejection
June 16,2005



RE: Claim against the City of Lodi

Claimant: Town & Country Park Association

Date of Loss: December 25,2003

Our Claim Number: 98505

### Dear Claimant:

Notice is hereby given that the claim you presented to the City of Lodi on May 19, 2005 was rejected as of the date of this letter.

### Notice

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code \$945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

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Sincerely,

Susan Blackston

City Clerk

cc: City Attorney
DB Claims
Risk Management
City Clerk